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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,113	09/18/2003	Masahiko Takenaka	14470.0014US01	7137
23552	7590	08/04/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			FISCHMANN, BRYAN R	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,113	TAKENAKA ET AL.	
	Examiner	Art Unit	
	Bryan Fischmann	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02-09-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure is objected to because of the following:

A) The recitation of "The power unit is substantially U-shaped" on lines 4 and 5 is objected to for reasons set forth below".

2. The specification is objected to because of the following:

A) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

Note: The specification is considered replete with instances of awkward and sometimes unclear wording. Therefore, the Examiner cannot guarantee the following is a comprehensive listing of all awkward and unclear wording. Applicant is advised to review the specification for awkward and unclear wording.

1) To be grammatically correct, it is believed that the word "comprising" recited in line 3 of paragraph 0014 should instead be "comprises"

2) Lines 21 and 22 of page 4 recites "The transmission unit and the engine form a U-shape when viewed from above, the U-shape defining an opening...".

From examination of the drawing figures, see Figure 23 for example, the transmission and the engine, reference numbers 130 and 100, respectively, of Figure 23 do not appear to be "U-shaped", or define a U-shaped opening.

Rather, the U-shaped opening is best understood to be space S4 of Figure 23, which may be considered to be U-shaped when viewed from above.

Note that instead being "formed" by the transmission and engine alone, examination of Figures 10, 13 and paragraphs 0100-0103 of the specification indicate

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that the U-shaped opening, S4, is formed by the combination of the engine, reference number 100, transmission, reference number 130, and the chain drive mechanism, reference number 150, when viewed from above.

See also lines 3-5 of page 4, several places on page 5 and paragraph 0161.

3) The last line of paragraph 0020 recites "the low floor type vehicle can be miniaturized". This recited phrase is considered awkward and unclear.

See also the last two lines of paragraph 0021.

4) Paragraph 0037 recites "...the left front and respectively...".

The meaning of this recited phrase, when read in context, is considered unclear.

Also note that the recitation of "the circumference of the power unit" in paragraph 0037 is believed to be better worded "the periphery of the power unit".

5) It is believed that the word "view" should follow the word "plan" in the first line of paragraph 0046.

6) The second and third lines of page 10 recites "The drawings shall be viewed in the direction of reference numbers".

The meaning of the above recitation is considered unclear and also to be awkwardly worded.

7) Paragraph 0156 recites "As shown in Fig. 14...crankcase 104...".

Figure 14 fails to illustrate reference number 104.

See also paragraph 0165.

8) Paragraph 0157 recites "...so that outside air is sucked an cools the transmission unit...".

To improve wording, it is believed that the word "in" should follow the word "sucked". Also, the word "drawn" might to be considered a preferred term over the term "sucked".

9) Paragraph 0173 recites "...the lid for checking 261".

This recitation leaves unclear what structure is being associated with reference number 261.

B) The following inconsistencies in nomenclature were noted:

1) Paragraph 0054 recites both "rear wheel 61" and "rear wheel 65".

To avoid confusion to the reader, and to facilitate identifying components by nomenclature in the claims, it is requested Applicant use consistent nomenclature for the same reference number throughout the specification.

Drawings

3. Figure 28 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

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4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the power unit being substantially U-shaped when the power unit is viewed from above as recited in claim 1, and similar recitations in claims 6 and 10 must be shown or the feature canceled from the claim. No new matter should be entered.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 1-14 are objected to because of the following:

A) Claim 1 recites "...the power unit comprising a transmission unit and being substantially U-shaped when the power unit is viewed from above, the U-shape defining an opening...".

This recitation is objected to due to the following:

From examination of the drawing figures, see Figure 23 for example, the transmission, reference number 130, of Figure 23, does not appear to be "U-shaped", or to define a U-shaped opening.

Rather, the U-shaped opening is best understood to be space S4 of Figure 23, which may be considered to be U-shaped when viewed from above.

Note that instead being "formed" by the transmission alone, examination of Figures 10, 13 and paragraphs 0100-0103 of the specification indicate that the U-shaped opening, S4, is formed by the combination of the engine, reference number 100, transmission, reference number 130, and the chain drive mechanism, reference number 150, when viewed from above.

See claims 6 and 10 for a similar objection.

Conclusion

6. This application is in condition for allowance except for the following formal matters:

The abstract, specification, drawing and claim objections set forth in this Office Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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A) Inoue, et al, James, Yamaguchi, Kurokawa, et al, Bassani, Kakabuto, et al,
Kudo, JP 64-1682, JP2- 185613, JP 2004-324580 – teach motorcycle exhaust systems

B) Takenaka, et al – related application by Applicant

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (571) 272-6694. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8-2-5
BRYAN FISCHMANN
PRIMARY EXAMINER